



FEDERALISM AND INTERNAL CONFLICTS

SERIES EDITORS: SOEREN KEIL · EVA MARIA BELSER

Comparative Federalism

A Pluralist Exploration

Edited by

Félix Mathieu · Dave Guénette ·
Alain-G. Gagnon

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Federalism and Internal Conflicts

Series Editors

Soeren Keil, University of Fribourg, Fribourg, Switzerland
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In loving memory of Klaus Detterbeck.

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Introduction: The Renewal of Federal Studies and Comparative Federalism

Félix Mathieu, Dave Guénette, and Alain-G. Gagnon

There is a resurgence of interest in federal studies in academic and government circles alike. Considering that roughly half of the world's population now resides in federations (Burgess, 2020; Watts, 2008), this should not be surprising. But there is more. Although the majority of contemporary states are still structured politically and legally on unitary constitutional architectures, a growing proportion of these have gradually adopted some traits that have been inspired by benefits associated with

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federalism (Popelier & Sahadžić, 2019). For instance, institutional and legislative autonomy can be granted to substate entities, which echoes the “self-rule” dimension that is core to the theory of federalism. As a result, it appears that any comprehensive analysis of federal systems today requires from researchers to study cases that many of their predecessors would likely have neglected. That is because their constitutions would have failed to meet a requisite number of pre-established criteria to be unequivocally classified as “federations”.

Of course, it is crucial to acknowledge the theoretical contribution associated with the development of such “checklists” (Elazar, 1972, 1980, 1987; Livingston, 1952, 1956; Wheare, 1941, 1955, 1963). For instance, it enabled the identification of a series of core federal institutional and societal attributes (see Laforest, 2015: 36). Contemporary federal scholars could then build upon these analytical protocols and, using more sophisticated methodological approaches, enrich and expand the limits of our field of study (Beck Fenwick & Banfield, 2021; Burgess & Gagnon, 2010; Gagnon & Tremblay, 2020; Gagnon & Poirier, 2020; Keil & McCulloch, 2021; Kincaid, 2019; Palermo, 2020; Steytler et al., 2021). Increasingly, scholars indeed study the many *shades* that federalism can take, from both empirical and theoretical perspectives, and have stopped accentuating the idea that there exists a sharp break between unitary states and formal federations (Mathieu et al., 2020).

As a result, many new areas of research have opened up as scholars gradually abandoned exclusive analytical categories—unitary states versus federal states—to embrace more dynamic epistemological quests (Popelier, 2020). Thus, new generations of students of federalism undertook comparisons of the ways in which federal culture manifests itself in political institutions and sociopolitical practices throughout different societies, regardless of whether their constitutions are federal or unitary in nature. Similarly, renewed attention began to be paid to how federalism contributes to a better understanding of the functioning of sub-state as well as supra-state political organizations (Hueglin & Fenna, 2015; Kincaid & Leckrone, 2023; Palermo & Kössler, 2017).

In line with these trends, the many contributors to this volume were invited to broaden their respective analytical perspective to include non-traditional federal states and also to pay attention to sub-state institutional practices that are rooted in a certain federal spirit. They were also invited to reflect upon the potential and the limits of federal arrangements and federalism more broadly in terms of diversity management. In doing so,

it is our hope that we are contributing to “normalizing” within contemporary comparative federalism the sociopolitical reality that many federal systems are home to a plurality of national or societal partners, and that this must be considered by federal scholars and students.

In addition, it should be stressed at this point that, in line with the comparative shift prevalent in many research areas, federal studies broadly have embraced the comparative approach as a key analytical tool for understanding sociopolitical and institutional realities. Yet, effective comparison must go beyond superficially juxtaposing facts or accumulating data. Borrowing from our colleague Marc Verdussen (2007: 1644), one may say that effective comparison must be “articulated and reasoned.” Formulated differently, comparing means explaining, integrating, contextualizing, evaluating, and, if possible, modeling.

Any comparison necessarily leads to choices that researchers must make and justify, so that the relevant characteristics between the objects of comparison are identified (Rosenfeld & Sajo, 2012: 16). That is why the starting point for any comprehensive comparative thinking is the identification of “significant comparable objects”. It is crucial then to draw comparisons between comparable polities, institutions, processes or actors.

Many “classic” contributions and a fair proportion of contemporary federal studies have been fascinated with the normative attraction of one particular case, which is often set up as the federation *par excellence*, that other polities ought to imitate: the United States of America. Still today, many researchers compare one or more cases with the United States, thus giving it the status of being the “yardstick” federation that others should be measured against (see Requejo, 2005).

This is highly problematic. Like all other federal systems, the American experience has its own context, history, and power dynamics. In the end, the USA is not necessarily better or worse than any other federal system. It is simply the embodiment of a specific model of federalism, which certainly has many advantages, but also has its drawbacks. The American federal system—like any federal system—can and should learn from past and recent models, small and large federations, and from the successes and failures of others.

This is why, in this book, we assembled contributions that are adopting a pluralist exploration with a view to providing knowledge from various vantage points. Some authors adopt a legal approach, while others insist on history and political sociology, in order to highlight the singularities

and similarities between cases. Other authors favour the analysis of qualitative empirical data to grasp parameters of the contexts under study or mobilize quantitative database to provide a more general and systematic portrait of the situation. In addition, the eternal companions of federalism—political science and constitutional law—are certainly present as a backdrop to the book.

As David E. Smith (1995: 3) puts it, it would be “an exaggeration to say that political science without constitutional law is blind, and constitutional law without political science is empty, but it is only an exaggeration”. Therefore, we subscribe to the view that certain subjects are located at the crossroads between several methodological and theoretical universes and absolutely require an interdisciplinary approach to be treated in an intelligible and comprehensive way (Peters & Schwenke, 2000: 832). This is definitely the case with comparative federalism, and that is why we draw on several methodological approaches and disciplines.

There is no doubt that these different perspectives complement one another. Moreover, while constitutional law has given rise to practices and interpretations that have become central to political and social sciences, it too inevitably came to be influenced by other disciplinary universes (Dumont & Bailleux, 2010).

Taken separately, these different perspectives come with their own benefits and shortcomings. Just as the microscope is of no use for observing stars, or the telescope for examining microorganisms, these perspectives can contribute to grasp empirical reality from specific, original, and complementary angles. This plurality of approaches represents the many lenses researchers have learned to use to bring knowledge into focus. When one adds up their strengths and accepts that one should not lock oneself into a heuristic chapel, it becomes clear that the inherent diversity of these various approaches is a great asset for the improvement of science and access to knowledge.

In addition to the “plurality of approaches” assembled in this volume, the “pluralist exploration” in the title of the book shall have another, complementary meaning. It entails a commitment of many authors participating to this collective work to normalizing the connection between federal studies and scholarship on pluralism and diversity management. Indeed, most of the following chapters tackle in some way the potential as well as the limits of federal-like arrangements and political ideas associated with federalism to the fair management of diversity: minority nations, societal and regional communities, linguistic groups, non-dominant and

ethnocultural groups. This is a clear analytical *plus-value* this volume offers that contributes to differentiate it from existing scholarly work on comparative federalism.

The authors that have contributed to this book have adopted a comprehensive comparative approach so that federal systems under study are placed on an equal footing. Of course, it remains appropriate *ceteris paribus* to focus either on a single case or develop a “benchmark” comparison that situates various cases in relation to a particular federal system. Indeed, such a situated comparison is relevant if the objective is to assess various cases in relation to a single one (Jackson, 2012: 69–70). By systematically comparing a single case with some others, it is possible, for instance, to invalidate certain hypotheses or challenge or amend existing theories by showing how and why the underlying premises do not apply in some particular cases.

However, if one seeks to identify certain general principles and typical models, to develop a normative understanding of best practices or what some call “global standards” (Disant et al., 2017; St-Hilaire, 2017), the integral or comprehensive comparative approach appears to be much better equipped to reach such a goal. In the words of Quebec sociologist and historian Gérard Bouchard, this makes it possible “to reveal subsets of a macro-system where we thought we first saw independent systems” (2000: 44). That is why in this volume we privileged this analytical perspective.

Similarly, by taking into account the context and political forces specific to each case, it becomes all the more relevant to identify what distinguishes and what brings together different federal systems. With this in mind, some chapters focus on *most similar federal systems*, whereas others look at *most different federal systems*. This is both a challenge and a necessary avenue to deepen the field of study of comparative federalism.

This challenge—which is also an opportunity—can be illustrated using a spectrum or a continuum (Rosenfeld & Sajo, 2012: 17). At one end of this spectrum is the position that there are few or no relevant similarities between political and constitutional systems, thus making comparisons meaningless; at the other end is the idea that, despite their differences, all regimes are ultimately very similar, also making comparisons meaningless. However, these two extremes are caricatures and need to be nuanced. It is precisely *between* these two poles that comparison proves to be the most relevant and significant for the development of new patterns on a given subject. As a result, particular attention ought to be devoted to finding

the right balance between the proper context in which various systems take shape and how their institutional similarities become realities. This heuristic position and the variety of angles of analysis that it allows, and feeds, are called upon to stimulate the imagination, raise new questions, and develop new avenues for further research.

In doing so, this edited volume aims to complement the work that has been carried out by colleagues, among which count the outstanding contributions by Thomas Hueglin and Alan Fenna (2015) and Francesco Palermo and Karl Kössler (2017). Adding to the analytical richness of this field of study, the current volume stands out from the existing literature by combining studies that cover both theoretical and institutional foundations to study and compare federal systems, and analyses that focus on key contemporary debates that scholars and political actors are currently dealing with. In addition, with the emphasis put on themes that are core to plurinational societies and deeply divided democracies, it is hoped that this volume contributes to normalizing the use of federalism to reflect upon diversity management schemes and strategies.

I AN OVERVIEW OF THE CONTRIBUTIONS ASSEMBLED IN THE VOLUME

As part of the scientific activities carried out by the *Centre d'analyse politique—Constitution et fédéralisme* (CAP-CF), the *Groupe de recherche sur les sociétés plurinationales* (GRSP), and the *Canada Research Chair in Québec and Canadian Studies* (CREQC), all directed by Alain-G. Gagnon at the Université du Québec à Montréal (UQAM), this edited volume entitled *Comparative Federalism: A Pluralist Exploration* aims to provide a solid and accessible set of contributions for students, specialists, and practitioners of federalism. Except for the theory-focused contributions in Part I of the volume, each chapter compares at least two federal systems in connection with a given theme. In doing so, the objective is for each chapter to shed light on a specific theme using the means of a rigorous comprehensive comparative approach. While the structure of the various chapters varies slightly, they provide (a) a brief overview of the scientific literature, (b) a clarification of the concepts and theoretical framework(s) mobilized, (c) a comparison of at least two federal systems, and (d) a discussion of the limitations of their approach that also points to research areas that they identify as priorities for future researchers.

The volume is composed of three parts. The first one, **Foundation and Political Ideas**, contains three chapters that provide the reader with an engaging theoretical, conceptual, and analytical basis to study federal systems and comparative federalism. It also addresses issues that are specific to deeply diverse federal systems, which are often times overlooked in comparative federalism's textbooks.

Written by Christophe Parent, Chapter 2 explores the multifaceted nature of federalism by discussing the development of political ideas associated with the theory and logic of federalism. It serves as an insightful starting point for the exploration of how federalism has evolved, adapted, and interacted with diverse political, legal, and economic contexts. In "The Philosophical Foundations of Federalism," the legal scholar from the Université de Lille takes inspiration in Samuel Puffendorf's work and contends that federalism extends far beyond the mechanics of its institutional structure. In doing so, Parent argues that federalism's essence lies not in a fixed definition, but in a malleable "federal idea."

As he delves into the philosophical foundations of such a federal idea, Parent acknowledges that the intellectual core of federalism primarily surfaced in modern times. While historical instances of federal-like arrangements existed in antiquity, the philosophical discourse on federal theories remained largely absent in the works of ancient Greek philosophers like Plato and Aristotle. Parent suggests that modern federalism can trace its roots back to the political ideas of the seventeenth and eighteenth centuries. In a transformative period where Christian universalism gave way to the national particularism of the Westphalian order, the principles associated today with federalism began to take shape. German and Dutch thinkers, given their experiences within the Holy Roman Empire and the Dutch United Provinces, emerged as early pioneers in engaging with federalism. Amidst the predominance of centralized monarchies, these federal governments offered rare examples of alternative governance models, challenging the prevailing notion of indivisible sovereignty advocated by Jean Bodin and Thomas Hobbes.

Moving on to Chapter 3, Maja Sahadžić and Patricia Popelier explore the dynamic nature of territorial autonomy and its role in managing deep diversity within multinational states, while favouring social cohesion at the same time. Entitled "Constitutional Asymmetry Through an Empirical Lens: A Federal Device for Diverse Systems," the chapter emphasizes the significance of social cohesion—comprising social relations, identification

with the geographical unit, and orientation towards the common good—in navigating the complexities of multinational federalism. In doing so, the authors explore the “paradox of multinational federalism,” which posits that territorial reconfiguration that effectively manages diversity may inadvertently sow the seeds of its disintegration over time. The interplay between institutions and social structures becomes a pivotal point of inquiry, seeking to ascertain whether institutions can truly and effectively influence social cohesion in multinational federal systems.

With the objective to offer a comprehensive understanding of constitutional asymmetry, Sahadžić and Popelier propose an original perspective that views it as an essential federal device for multinational federations. By situating territorial reconfiguration and constitutional asymmetry within a theory of “dynamic federalism,” the chapter aims to provide accurate insights through comparative analysis of specific cases. The factors leading to asymmetries and the dynamics involved are thoroughly examined to assess the effectiveness of constitutional asymmetry as a form of territorial diversity management. This chapter seeks to transform traditional federal theory’s narrative about constitutional asymmetry and its potential impact on the territorial integrity of deeply diverse democracies. Sahadžić and Popelier are shedding new light on how constitutional engineering can mitigate these effects while facilitating the delicate balance between autonomy and cohesion in multinational federal systems. Their work promises to contribute significantly to the field of comparative federalism, paving the way for a deeper understanding of the complexities and challenges faced by diverse democracies seeking to accommodate group-related and identity differences within their constitutional frameworks. Ultimately, Chapter 4 “Multi-level Governance and the Reconfiguration of Political Space” by Alain-G. Gagnon explores the main limits associated with the logic of “multi-level governance” when it comes to study federations and multinational federal systems specifically. Gagnon criticises the multi-level governance approach for its tendency to overlook the value of the societal foundations on which federal systems have been established. According to Gagnon, the approach, although it can be relevant in culturally homogenous and unitary systems or societies, falls short when addressing the complexities of national, societal and ideological heterogeneity that characterize the world we live in.

In contrast to the multi-level governance approach, the holder of the Canada Research Chair in Quebec and Canadian Studies contends that the multinational federalism approach presents a much more promising

avenue for envisioning the accommodation of deep diversity. The chapter calls for researchers to further explore this alternative perspective, which acknowledges the importance of political culture and national pluralism in navigating the complexities of contemporary federal systems. By embracing a fundamentally multinational approach, Gagnon argues we can better understand the challenges and possibilities of federalism, offering valuable insights for policymakers and scholars seeking to foster democratic coexistence and effective governance within diverse democracies.

The volume then shifts to **Part 2—Processes, Actors, Powers—**, which is composed of 7 chapters. Authored by Alice Valdesalici and Matteo Nicolini, Chapter 5 is titled “‘Federally Trapped’? Comparing and Contrasting Local Government in Federal Systems,” and explores the intricate relationship between local governments and federal systems. The literature on this topic has been growing fast over the past few decades, but the chapter highlights a lack of comprehensive focus on local institutions within federal systems. Indeed, formal institutional perspectives tend to place local authorities under the jurisdiction of either order of government, and traditional comparative-legal classifications categorize federations accordingly. To put it in the words of Valdesalici and Nicolini, this leads to the perception that local governments are “federally trapped” in such two-tier systems. However, they show that overlapping and competing jurisdictions result in complex relationships between all layers of public authorities, including local governments.

By comparing the foundations of local government in many federal systems, Valdesalici and Nicolini emphasize their significance in shaping institutional dynamics. Somehow paradoxically, they argue that the existence of various deviations from the federal paradigm tends to unite many federal arrangements. Their analysis seeks to uncover both similarities and differences among them. The authors also stress the need for further examination of the topic, as it remains “unripe” for reaching hasty conclusions. Indeed, the lack of doctrinal interest towards an integrated, intergovernmental reading of the place of local governments in federal systems is identified as a contributing factor to this complexity. Overall, the chapter provides a nuanced perspective on local governments within contemporary federal systems, shedding light on the multifaceted interactions among legal and non-legal factors that influence the functioning of federal arrangements.

Chapter 6, “Pluralised Constituent Power in Two Nominal Federations: Ethiopia and Iraq,” follows. Co-authored by Nicholas Aroney, Terefe Gebreyesus, and Twana Hussein, it explores the complex relationship between the idea of the “constituent power” and federal systems. Most modern democracies claim to derive their authority from the “people” or “constituent power” on which the constitution is founded. However, as shown by the authors, federal systems present a puzzle as they appear to be predicated on a plurality of “peoples” within the constituent entities, leading to a controversial question about the singular or plural foundations of federal constitutions. Examining the cases of Ethiopia and Iraq, the chapter highlights how their federal constitutions present significantly different accounts of their foundations. The Ethiopian Constitution emphatically speaks in the name of “We the Nations, Nationalities and Peoples of Ethiopia,” while the Iraqi Constitution appeals to “We, the people of Mesopotamia” and “We, the people of Iraq.” Both reflect plural foundations, but the political reality reveals that the role of “the people” in the constitution-making process was minimal at best, with substantial content determined by forces endogenous to the peoples.

The authors’ analysis raises doubts about the effectiveness of current theories of constituent power in resolving conflicts in deeply divided societies. Aroney, Gebreyesus, and Hussein argue that the complexity of pluralised constituent power in federal systems necessitates a re-evaluation of constitution-making procedures to address the unique challenges of these contexts. As such, they call for a deeper examination of these issues to develop effective peace-making capacities in democratic constitutions, acknowledging the evolving paradigms of constitution-making in the modern world.

Next, Chapter 7 focuses on “Constitutional Referendums and Elite Cooperation in Western Federal Systems.” Authored by Dave Guénette and Atagün Mert Kejanhoğlu, it explores the complex dynamics of constitutional reforms in divided societies through the lens of constitutional referendums. Reflecting on Alexis de Tocqueville’s concerns about the “tyranny of the majority,” the chapter investigates the challenges democracies face in undertaking constitutional reforms, especially in divided societies.

Through a comparative approach, the chapter examines the practices of direct democracy in Belgium, Canada, Switzerland, and the United Kingdom—divided societies with multiple linguistic, ethnocultural, or

national groups. It considers the issues related to the frequency of referendums and their polarizing potential, the degree of majority required for change, and the impact of political elites in conducting constitutional referendums. In light of their analysis, Guénette and Mert Kejanlioğlu caution against elite interference in referendum results, as the public perceives the outcome as the “will of the people”.

The argument highlights the potential risk of such interference in inciting populism and undermining public trust in democracy. However, the authors also emphasize that this ought not to condemn constitutional referendums in divided societies; instead, it calls for careful consideration and genuine elite cooperation to foster consensus and implement the referendum results responsibly. Overall, the chapter offers valuable insights into the intricate interplay between constitutional referendums, elite cooperation, and democracy in Western federal systems with diverse societal segments.

Titled “Constitutional Justice in the Federal States of Europe,” Chapter 8 is authored by Marc Verdussen and explores the role and ongoing dynamics of constitutional courts in various federal systems in Europe: Belgium, Germany, Italy and Spain. Specifically, it highlights the unique status and functions of constitutional courts in such federal systems, shedding light on their composition, powers, and the referral mechanisms in place. Verdussen also discusses how contextual elements of a political nature may affect the effectiveness of cases brought before constitutional courts.

Despite the similarity in their primary role of checking compliance with the rules governing the division of constitutional powers, each federal system exhibits its own particularities in the composition, organization, and functions of its constitutional court. This diversity underscores the importance of appreciating the autonomy of each context and experience within the realm of federalism.

Moreover, the chapter highlights the uniqueness of constitutional justice in European federal systems. It stresses the significance of understanding the specific cultural and contextual factors that shape the role and functioning of a constitutional court in each system. As such, the chapter offers valuable insights into the complexities and nuances of constitutional justice within the framework of comparative federalism in Europe.

The next contribution is authored by Paul Anderson. Titled “Power-Sharing as a Tool of Conflict Management: The Experience of Northern

Ireland and South Tyrol,” Chapter 9 examines the role of power-sharing as an institutional design to address conflict and promote stability in deeply divided societies. In relation with the theory of federalism, the chapter explores how power-sharing mechanisms have been increasingly employed as responses to manage ethnic, linguistic, religious, and political hostilities in intrastate conflicts around the world. On the one hand, it does so by clarifying the terminology, defining power-sharing as an umbrella term encompassing various forms of territorial accommodation aimed at rebuilding trust between groups and consolidating democracy and stability in divided societies. On the other hand, Anderson highlights the coexistence of different power-sharing strategies at work in such societies and mobilizes the cases of Northern Ireland and South Tyrol as examples of regional consociations in complex power-sharing systems. In doing so, the chapter showcases the paradox of power-sharing, which can simultaneously temper majoritarianism and entrench democracy, while also potentially exacerbating tensions and constraining long-term state cohesiveness.

The comparative analysis of the power-sharing systems in Northern Ireland and South Tyrol highlights the complexities and trial-and-error nature of power-sharing arrangements. While South Tyrol’s model has shown success in reducing tensions, Northern Ireland’s experience has been more challenging, especially given recent events like the UK’s withdrawal from the European Union. Nevertheless, both cases offer valuable lessons for other territories with self-determination disputes, demonstrating that building mutual trust between politically antagonistic groups is possible. Anderson contends that the success of such strategies depends on historical context, specificities of the contemporary situation, and various ad hoc variables one must not overlook.

Furthering the discussion on federalism and sociopolitical forces, Klaus Detterbeck’s chapter focuses on “Party Politics in Contemporary Federal Systems.” Chapter 10 probes into the intricate relationship between political parties and federal dynamics. Parties play a crucial role in electoral representation and policy-making, and federal structures add complexity to these tasks by requiring engagement at multiple levels simultaneously. This chapter explores the two-way mutual interaction between parties and federalism, where parties are shaped by federal structures but also influence the federal architecture according to their “self-defined needs.”

Students of federalism will appreciate reading this contribution as it offers a useful conceptual framework for analyzing and explaining territorial party politics, which is then applied to four parliamentary federations: Australia, Austria, Canada, and Germany. These cases were selected to demonstrate diversity, even among most-similar cases, to capture the multi-faceted ways in which parties and federal systems are embedded in their wider political environment. The comparison showcases the complexity of territorial party politics in federal democracies. The chapter also presents an explanatory framework that considers social and institutional factors, as well as intra-party variables, to understand territorial party politics in federal systems. In addition, Detterbeck identifies several new avenues for future research in this subfield of federal studies, stressing that the complex interplay between party politics and territorial structures presents numerous promising research agendas for the next generation of scholars studying federalism.

Finally, completing Part II of the volume is Chapter 11 by Nicolas-Guillaume Martineau, entitled “Fiscal Federalism in Theory and Practice: The Case of Income Supports in Australia and Canada.” It provides a comprehensive analysis of fiscal federal arrangements and income support policies in Australia and Canada. Mobilizing a theoretical framework that is rooted in the works of Richard A. Musgrave and Wallace E. Oates, the chapter explores the relationship between federal structures and income support policies in the two federations.

Australia and Canada, two federal systems with similar colonial histories but varying degrees of fiscal decentralization, offer an ideal basis for comparison. Martineau shows how the theoretical framework effectively explains the centralized practice of fiscal federalism in Australia concerning income supports. The centripetal bias of redistribution and stabilization functions in the federal state appears to justify the near-exclusive role of the Commonwealth government in income support policies. The chapter highlights how Australia’s federal system is organized in terms of vertical fiscal gap and equalization transfers to ensure horizontal equity and prevent inefficient migration across states. In contrast, the chapter reveals that Canada’s income support policies are more decentralized, with provinces significantly involved in delivering social and disability assistance programs. Additionally, the chapter uncovers the impact of federal tax expenditures as a centripetal force in Canada.

Martineau's chapter provides valuable insights into the interplay between theory and practice in the field of fiscal federalism. It underscores the limitations of the traditional frameworks to provide an effective theory of institutional design and opens avenues for future research in understanding the dynamic nature of fiscal federalism and income support policies in federal systems. Furthermore, the chapter emphasises the relevance of examining centripetal forces in times of crisis, such as the recent pandemic response, which may shape the approach to income support policies in Canada.

At this point, the readers will have familiarized themselves with the way institutional dynamics operate in federal systems and interact with, in addition to be shaped by, a variety of sociopolitical actors. We are now inviting them to look into some of the contemporary debates that are characteristic of the evolving nature of comparative federalism. **Part III—Contemporary Debates** also contains 7 chapters dealing with a variety of issues, from perspectives on the management of immigration and linguistic diversity to other contributions questioning how federalism affect gender equality and whether it represents a useful institutional tool in the fight against climate change.

Moving on to Chapter 12, authored by Patrick Taillon, the discussion shifts to the intersection of federalism and the safeguarding of fundamental rights and freedoms in liberal democracies. As the author shows, federalism, with its division of state powers between various partners and emphasis on limited authority for each of them, complements in a way the ideals of political liberalism. However, in this chapter titled “Federalism and the Protection of Fundamental Rights: Between Normalization and Subsidiarity,” we see that, in practice, this complementarity also engenders tensions.

The chapter addresses two main types of tension. First, it examines the friction between the protection of fundamental rights through uniform jurisprudential standards and the autonomy granted to federated entities. The establishment of supra-legislative rights may limit federated entities in their legislative capacities, leading to standardization in the constitutional protection of fundamental rights. Second, the chapter investigates how federalism can be associated with substantial limits to the intensity with which fundamental rights can be protected. Indeed, granting legislative autonomy to federated entities can lead to variable and context-based protection, potentially undermining the uniformity of rights enforcement.

By discussing various examples from different federations to illustrate the current state of complementary and discordant relationships between federalism and fundamental rights, Taillon aims to shed new light on how to strike a balance between promoting shared, uniform rights standards and preserving legislative authorities' margin of appreciation within a federal system. In doing so, the constitutional law professor provides valuable insights into the complex relationship between federalism and the safeguarding of fundamental rights, highlighting the need for thoughtful approaches to rights protection that respect the autonomy of federated entities while upholding the principles of federalism.

In Chapter 13, entitled “The Management of Immigration in Federal Systems,” Catherine Xhardez and Mireille Paquet study the complex intersection of federalism and immigration policies. In federal systems, the management of immigration involves multiple orders of government, with the nature of powers allocated to each and the ongoing dynamics shaping intergovernmental relations between them, and varying from one case to another. Exploring the literature on what has been coined as “immigration federalism,” Xhardez and Paquet analyze models, policies, and dynamics that emerge in federal systems to control migratory flows while considering the involvement of various orders of government.

In doing so, the authors compare three federal systems—Belgium, Canada, and Australia—to examine how federated entities influence the management of immigration. The public policies experts then emphasize the need for a broader focus on federated entities and a systematic comparison of federated entities' policies, which requires overcoming access to data challenges. Additionally, they advocate studying immigration federalism in non-traditional federal systems, such as India, Brazil, and South Africa, to enrich the understanding of immigration policies' dynamics across various institutional and sociopolitical contexts.

The chapter also emphasizes the significance of federalism in shaping immigration policies, offering valuable insights for researchers studying immigration and federalism. Moreover, it calls for further research to strengthen the engineering of immigration federalism and expand its geographical and political scope. The integration of federalism expertise with immigration issues holds promising potential for a comprehensive understanding of the mechanics and outcomes in the immigration sector.

Chapter 14 by J. Rémi Carbonneau and Juan Jiménez-Salcedo moves the discussion to “The Limits of Linguistic Diversity in a Federal Context: A Comparative View of Canada, Spain, and Germany.” It examines how

these three liberal democracies address linguistic diversity within their federal structures. Carbonneau and Jiménez-Salcedo then assess the effectiveness of the various federal frameworks in integrating, safeguarding, and promoting linguistic diversity.

Canada's bilingualism for English and French is constitutionally enshrined, but the federal and provincial actions reveal limitations in managing French as well as Indigenous languages. Spain recognizes Castilian as the only official language, with only limited regional autonomy for other "Spanish" languages. Germany, mostly homogenous linguistically-speaking, lacks an official language in constitutional terms, while at the same time delegates to Länder the capacity to act on vernacular languages of "recognized minorities."

One of the conclusions reached by the authors is that the dominant group's language remains the *lingua franca* in all three federations, with varying degrees of accommodation for linguistic diversity. Canada and Spain have implemented arrangements to address linguistic diversity, while Germany tends to lean towards the logic of a linguistically homogenous country. In doing so, the chapter highlights the complexities of integrating linguistic diversity within federal systems and the need for ongoing research on this intricate topic.

Echoing some of the issues discussed by Paul Anderson in Part II of this volume, Chapter 15 by Timofey Agarin and Allison McCulloch, "Navigating Ethnopolitics in Deeply Divided Societies: Others in Regional Consociational Systems" explores how institutional designs in deeply divided societies truly accommodate diverse populations. In response to identity-based conflicts and political violence, they discuss how constitutional designers often turn to federalism, consociationalism, and power-sharing mechanisms to mediate divisions between contending groups. These mechanisms aim to bring groups together to share political space and governance, fostering dispute resolution through peaceful means.

The chapter skillfully highlights the limitations of consociationalism in addressing the needs of those they call the "Others," referring to groups that do not meet the threshold for political relevance due to factors like size, territorial dispersion, or lack of identification with the dominant ethnocultural cleavage at play. As a result, Agarin and McCulloch argue that consociational federal systems tend to favor dominant ethnocultural majorities and minorities, leading to the exclusion of said "Others" during constitutional design and governance processes.

In light of the experiences of Northern Ireland, the Federation of Bosnia and Herzegovina (FBiH), and South Tyrol, the chapter identifies a lack of clarity in defining “Others” in foundational texts, leading to residual treatment and various ways in which political parties representing “Others” find space within the system. Overall, Agarín and McCulloch conclude that while consociationalism in federal systems represents an important strategy for accommodating ethnocultural differences, its bias towards dominant groups may hinder full inclusion of said “Others.”

Somehow furthering the discussion introduced by Agarín and McCulloch, Jill Vickers then tackles the issue of federalism and gender equality. In Chapter 16 titled “How Does Federalism Affect Equality Rights Struggles... and How do Such Struggles Affect Federal Arrangements?”, three waves of gender-federalism research are explored, spanning from the 1990s to the present. The first wave sought to advance gender equality within feminist political science, expanding the scope to include aspects of the “private” sphere. The second wave examined the impact of different federal arrangements on women belonging to each federation’s majority or dominant group. Finally, the third wave, highlighted by the publication of the *Handbook on Gender, Diversity, and Federalism* (Vickers et al., 2020), researched formal and informal federations globally, and explored how women’s activism can reshape federal arrangements.

Throughout the three waves of research discussed by Vickers, it becomes clear that questions about whether federal arrangements support, or hinder gender equality efforts remained central. Another constant is that gender-federalism researchers challenged the traditional focus on territorial variables, arguing for a more complex understanding of diversity—one that would include the “Others,” as Agarín and McCulloch would state it. As discussed at length by Vickers, they also studied the difference between gendered and non-gendered institutions and policies, considering how federal arrangements affect policies aimed at advancing gender equality. As such, Vicker’s chapter provides a comprehensive exploration of gender-federalism research and its implications for understanding the dynamics between federalism and gender equality struggles. It emphasizes the potential of gender research to shape federal arrangements and contribute to advancing equality rights globally.

Follows the contribution by Catherine Viens and Félix Mathieu who offer a critical examination of institutional approaches to address climate and environmental issues within federal systems. The chapter highlights the importance of rethinking environmental and climate governance